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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,000	08/20/2003	Shingo Tanino	031005	5728
38834 7590 11/24/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
BONZO, BRYCE P				
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2113				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/644,000

**Applicant(s)**

TANINO ET AL.

**Examiner**

Bryce P. Bonzo

**Art Unit**

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2, 4, 6, 8 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 6, 8, 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **FINAL OFFICIAL ACTION**

### ***Status of the Claims***

Claims 2, 11 and 15 are rejected under 35 USC §102.

Claims 4, 6, 8, 12, 14 and 16 are rejected under 35 USC §103.

### ***Rejections under 35 USC §102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 11 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Woodall (United States Patent Application Publication US 2003/0081556 A1).

As per claim 1, Woodall discloses:

1. A network calculator system comprising:

a server connected to a network (¶9);

a storage connected to the network (¶9, 26); and

a management device connected to the network to manage device information of the server and storage (¶9, 27, 28 ), wherein

the server and storage are connected through a plurality of transmission paths, and respectively have a function of notifying to the management device a fault device within themselves (§12),

the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices, which are included in the transmission paths (§28), and wherein

when a fault device is notified to the management device by the function of notifying, if the notified fault device corresponds to a device included in any one of the transmission paths recorded by the management device, the management device determines the one of the transmission paths unavailable, and causes the server to stop using the unavailable transmission path (§27, 28).

2. The network computer system according to claim 11, wherein the devices forming the transmission paths includes a fiber channel switch connected to the network (§25, 3, 32).

Claim 15 is the management device of the system of claim 11 and is rejected on the same grounds.

***Rejections under 35 USC §103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 8, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodall (United States Patent Application Publication US 2003/0081556 A1) in view of Dunning et al. (United States Patent No. 6,683,850 B1).

As per claim 12, Woodall discloses:

12. A network calculator system comprising:

a server connected to a network (§§9);

a storage connected to the network (§§9); and

a management device connected to the network for managing device information on the server and the storage (§§27, §§9),

the server and storage are connected through a plurality of transmission paths, respectively manage device information of devices within themselves (§§25), and send the device information in response to a request from the management device (§§26-28), and wherein the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices (§§28) judges from the returned device information whether there is any fault device to determine transmission paths which include the fault device as being unavailable, and causes the server, which accesses through the transmission paths when an application program is executed, to stop using the unavailable transmission paths.

Woodall does not explicitly disclose, while Dunning discloses:

which are included in the transmission paths, makes the request to the server and the storage for the device information on a regular basis (column 9, lines 14-21).

Woodall has described system for event and fault handling in a transmission network focusing the majority of his disclosure on the event handling aspects of network maintenance. Woodall for purposes of simplicity on discloses his with respect to a system which reports all status unsolicited. Dunning discloses the common practice of polling by a central authority, such as the manager of Woodall. The polling system provides the benefit of reduced overhead allows the manager to control the influx of status data. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to combine the network fault detecting, reporting and reconfiguring system of Woodall with the network repairing and link monitoring system of Dunning thus creating a more robust and transmission efficient network monitor.

As per claim 4, Woodall discloses:

4. (Currently Amended) The network calculator computer system according to claim 12 further comprising a fiber channel switch connected to the network, the server and the storage being connected via the fiber channel switch, wherein the fiber channel switch manages, its own device information and returns the device information in reply to a request sent on a regular base from the management device (column 9, lines 14-21).

Claim 16 is the management device of the system of claim 12 and is rejected on the same grounds.

13. (New) A network computer system comprising:

a server connected to a network (§9);

a storage connected to the network (§9,26); and

a management device connected to the network to manage device information of the server and storage (§9,27,28), wherein

the server and storage are connected through a plurality of transmission paths, and respectively have a function of notifying to the management device restoration of a fault device (§9, 27,28),

the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices, which are included in the transmission paths, and wherein (§28).

Woodall does not explicitly disclose:

when the restoration of a fault device is notified to the management device by the function of notifying, if the notified restored device corresponds to a device included in any one of the transmission paths recorded by the management device, the management device determines the one of the transmission paths available, and causes the server to allow using the available transmission path.

Dunning discloses the monitoring of failed elements for the purposes of reintegration into a network (column 9, lines 14-21). Reintegration of failed elements is a particularly advantageous feature as many failures are transient in nature. Thus full capacity can be restored many time by simply resetting or waiting out a error.

Thus it would have been obvious to one of ordinary skill in the art of computer networking to incorporate the reintegration of Dunning via the link determination of Woodall thus gaining a more robust network which potentially returns to full capacity after link restoration.

6. (Currently Amended) The network computer system according to claim 13 further comprising:

wherein the devices forming the transmission paths includes a fiber channel switch connected to the network (§3, 25, 32).

14. (New) A network computer system comprising:

a server connected to a network (§9);

a storage connected to the network (§9, 26); and

a management device connected to the network to manage device information of the server and storage, wherein the server and storage are connected through a plurality of transmission paths, respectively manage device information of devices within



themselves and send the device information in response to a request from the management device(¶9,27, 28), and wherein

Dunning discloses:

the management device records transmission paths, through which the server accesses data stored in the storage, correspondingly to devices, which are included in the transmission paths, makes the request to the server and the storage for the device information on a regular basis, and stores the returned device information (column 9, lines 14-21), and

Woodall has described system for event and fault handling in a transmission network focusing the majority of his disclosure on the event handling aspects of network maintenance. Woodall for purposes of simplicity on discloses his with respect to a system which reports all status unsolicited. Dunning discloses the common practice of polling by a central authority, such as the manager of Woodall. The polling system provides the benefit of reduced overhead allows the manager to control the influx of status data. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to combine the network fault detecting, reporting and reconfiguring system of Woodall with the network repairing and link monitoring system of Dunning thus creating a more robust and transmission efficient network monitor.

Woodall does not explicitly disclose:

wherein if a device is restored, which is included in the transmission path through which the server accesses data stored in the storage, the server or the storage notifies the management device of the restored device, and said management device judges whether the restored device is included in another transmission path, and if the restored device is included in another transmission path, said management device determines the transmission path through which the server accesses data stored in the storage and also the another transmission path as being available, and causes the server, which accesses through the transmission paths when an application program is executed, to start using the transmission paths.

8. (Currently Amended) network calculator system according to claim 14 further comprising a fiber channel switch connected to the network wherein the management device makes the request to the fiber channel switch for the device information on a regular basis (Dunning, column 9, lines 14-21).

Woodall has described system for event and fault handling in a transmission network focusing the majority of his disclosure on the event handling aspects of network maintenance. Woodall for purposes of simplicity on discloses his with respect to a system which reports all status unsolicited. Dunning discloses the common practice of polling by a central authority, such as the manager of Woodall. The polling system provides the benefit of reduced overhead allows the manager to control the influx of status data. Thus it would have been obvious to one of ordinary skill in the art at the

time of invention to combine the network fault detecting, reporting and reconfiguring system of Woodall with the network repairing and link monitoring system of Dunning thus creating a more robust and transmission efficient network monitor.

### ***Response to Applicant's Arguments***

Applicant has provided to new independent claims, and as such a new rejection is required as provided above.

### ***Final Disposition***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P. Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryce P Bonzo/  
Primary Examiner, Art Unit 2113